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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/763,868	01/22/2004	Edward Eytchison	Sony-05300	8511
7590 05/31/2011				
JONATHAN O OWENS HAVERSTOCK & OWENS LLP 162 NORTH WOLFE ROAD SUNNYVALE, CA 94086				
EXAMINER				
CLOUD, JOIYA M				
ART UNIT		PAPER NUMBER		
2444				
MAIL DATE		DELIVERY MODE		
05/31/2011		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# **Advisory Action** **After the Filing of an Appeal Brief**

<b>Application No.</b>	<b>Applicant(s)</b>	
10/763,868	EYITCHISON ET AL.	
<b>Examiner</b>	<b>Art Unit</b>	
JOIYA CLOUD	2444	

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

The reply filed 02 May 2011 is acknowledged.

1. ☐ The reply filed on or after the date of filing of an appeal brief, but prior to a final decision by the Board of Patent Appeals and Interferences, will not be entered because:
- a. ☐ The amendment is not limited to canceling claims (where the cancellation does not affect the scope of any other pending claims) or rewriting dependent claims into independent form (no limitation of a dependent claim can be excluded in rewriting that claim). See 37 CFR 41.33(b) and (c).
- b. ☐ The affidavit or other evidence is not timely filed before the filing of an appeal brief.  
See 37 CFR 41.33(d)(2).

2. ☐ The reply is not entered because it was not filed within the two month time period set forth in 37 CFR 41.39(b), 41.50(a)(2), or 41.50(b) (whichever is appropriate). Extensions of time under 37 CFR 1.136(a) are not available.

Note: This paragraph is for a reply filed in response to one of the following: (a) an examiner's answer that includes a new ground of rejection (37 CFR 41.39(a)(2)); (b) a supplemental examiner's answer written in response to a remand by the Board of Patent Appeals and Interferences for further consideration of rejection (37 CFR 41.50(a)(2)); or (c) a Board of Patent Appeals and Interferences decision that includes a new ground of rejection (37 CFR 41.50(b)).

3. ☒ The reply is entered. An explanation of the status of the claims after entry is below or attached.
4. ☒ Other: Applicant's argued A) Within the Office Action, Loomis, Figure 7 is cited...However, there is no Figure 7 of Loomis. Furthermore, the figures of 2A, 2C and 3A of Loomis clearly show the transition occurring at the end of the initial portion, not before. In response to Applicant's argument A), Examiner respectfully disagrees. Examiner first notes the typographical error, as with respect to Examiner's response to argument A) should disclose the citation of Figure 3a (not Figure 7). As Figure 3a demonstrates the synchronizing of an initial portion with a complete stream. Moreover, Examiner notes that no where does the instant claim indicate an occurring time of the transition within the stream (i.e. "before" or "after" in the instant claim 1). Claim 1 merely recites "seamlessly transitioning the resultant stream from the initial portion of the content item to the entire content item." Language indicating "before the initial portion ends." is only found in claim 27. However, Loomis clearly anticipates the instant claim language, as one of ordinary skill in the art would reasonably understand a seamless transition to require no stops in the streaming in order to have "no seams", therefore the seamless transition would need to occur before the initial portion ends in order to produce a seamlessly transition. Examiner advises applicant to amend the instant claim to specifically state that the transition occurs prior to the end of the streaming of the initial portion and furthermore providing details in the claim language as to how the transition occurs prior to the end of the initial portion, as it is unclear how such transition would be seamless, but rather overlapping. Applicant's further arguments rely upon the infallibility of argument A addressed above. IDS dated 2011-04-14 and 2011-02-08 are considered as per appended corresponding 1449.

/Peling A Shaw/  
Primary Examiner, Art Unit 2444